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MERRILL LYNCH & CO., INC. and MERRILL
13 LYNCH, PIERCE, FENNER & SMITH
INCORPORATED
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15 UNITED STATES DISTRICT COURT
16 SOUTHERN DISTRICT OF CALIFORNIA
17

18 JOHN KERR, individually and on behalf
19 of all others similarly situated,

20 Plaintiff,

21 vs.

22 MERRILL LYNCH & CO., INC.,
23 MERRILL LYNCH, PIERCE, FENNER &
SMITH, INCORPORATED, and DOES 1-
25, inclusive.

24 Defendants.
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CASE NO. '11CV0350 WQHBGS

**MERRILL LYNCH'S NOTIFICATION OF
PARTIES WITH FINANCIAL INTEREST
(CIVIL LOCAL RULE 40.2) AND
DISCLOSURE STATEMENT (FEDERAL
RULE OF CIVIL PROCEDURE 7.1)**

1 Pursuant to Federal Rule of Civil Procedure 7.1 and Civil Local Rule 40.2 the undersigned
2 certifies that both Merrill Lynch & Co., Inc. and Merrill Lynch, Pierce, Fenner & Smith
3 Incorporated are wholly owned by Bank of America Corporation.

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5 DATED: February 18, 2011

MUNGER, TOLLES & OLSON LLP
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9 By: s/ Victoria L. Boesch

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11 Attorneys for Defendants
12 MERRILL LYNCH & CO., INC. and
13 MERRILL LYNCH, PIERCE, FENNER &
14 SMITH INCORPORATED
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